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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
6

7 WILLIAM A. SCHULZ,

8 Plaintiff,

9 v.

10 CLARK COUNTY DETENTION CENTER
11 ADMINISTRATION et al.,

12 Defendants.

Case No. 2:14-cv-876-APG-NJK

Order

13 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by
14 a state prisoner. On October 16, 2014, this Court issued an order dismissing the
15 amended complaint with leave to amend and directed Plaintiff to file a second amended
16 complaint within thirty days. (Dkt. #8 at 8). The thirty-day period has now expired, and
17 Plaintiff has not filed a second amended complaint or otherwise responded to the
18 Court's order.

19 District courts have the inherent power to control their dockets and "[i]n the
20 exercise of that power, they may impose sanctions including, where appropriate . . .
21 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829,
22 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's
23 failure to prosecute an action, failure to obey a court order, or failure to comply with
24 local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for
25 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.
26 1992) (dismissal for failure to comply with an order requiring amendment of complaint);
27 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply
28 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v.*

1 *U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply
2 with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal
3 for lack of prosecution and failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to
5 obey a court order, or failure to comply with local rules, the court must consider several
6 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need
7 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
8 favoring disposition of cases on their merits; and (5) the availability of less drastic
9 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*,
10 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in
12 expeditiously resolving this litigation and the Court's interest in managing the docket,
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also
14 weighs in favor of dismissal, since a presumption of injury arises from the occurrence of
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.
16 See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public
17 policy favoring disposition of cases on their merits – is greatly outweighed by the factors
18 in favor of dismissal discussed herein. Finally, a court's warning to a party that his
19 failure to obey the court's order will result in dismissal satisfies the "consideration of
20 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;
21 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file a second
22 amended complaint within thirty days expressly stated: "IT IS FURTHER ORDERED
23 that if Plaintiff fails to file a second amended complaint curing the deficiencies of his
24 original complaint and amended complaint, this action will be dismissed without
25 prejudice." (Dkt. #8 at 8). Thus, Plaintiff had adequate warning that dismissal would
26 result from his noncompliance with the Court's order to file a second amended
27 complaint within thirty days.

28 It is therefore ordered that this action is dismissed without prejudice based on

1 Plaintiff's failure to file a second amended complaint in compliance with this Court's
2 October 16, 2014, order.

3 It is further ordered that the Clerk of Court shall enter judgment accordingly.
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5 DATED this 19th day of November, 2014.



7 United States District Judge